
By: **Chairman, Economic Matters Committee (By Request - Departmental -
Labor, Licensing and Regulation)**

Introduced and read first time: January 19, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Plumbing - Disciplinary Actions**

3 FOR the purpose of authorizing the State Board of Plumbing to deny a license to a
4 person or take certain disciplinary action against an applicant or a licensee
5 under the laws relating to the licensure and regulation of plumbers for a
6 violation of certain laws or regulations relating to plumbing services; and
7 generally relating to the licensure and regulation of plumbers.

8 BY repealing and reenacting, with amendments,
9 Article - Business Occupations and Professions
10 Section 12-312
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Business Occupations and Professions**

16 12-312.

17 (a) (1) Subject to the hearing provisions of § 12-313 of this subtitle, the
18 Board may deny a license to any applicant, reprimand any licensee, or suspend or
19 revoke a license if the applicant or licensee:

20 (i) fraudulently or deceptively obtains or attempts to obtain a
21 license for the applicant or licensee or for another;

22 (ii) fraudulently or deceptively uses a license;

23 (iii) is guilty of gross negligence, incompetence, or misconduct while
24 providing plumbing services or assisting in providing plumbing services;

1 (iv) is guilty of violating the State Plumbing Code or applicable local
2 plumbing code while providing plumbing services or assisting in providing plumbing
3 services;

4 (v) under the laws of the United States or of any state, is convicted
5 of:

6 1. a felony; or

7 2. a misdemeanor that is directly related to the fitness and
8 qualification of the applicant or licensee to provide plumbing services;

9 (vi) is guilty of an unfair or deceptive trade practice, as defined in §
10 13-301 of the Commercial Law Article;

11 (vii) fails to train and control adequately any person who, while
12 under the direction and control of the master plumber or holder of a limited master
13 plumber license, sells or gives estimates for providing plumbing services OR
14 PROVIDES OR ASSISTS IN PROVIDING PLUMBING SERVICES;

15 (viii) fails to maintain the liability insurance required under §
16 12-501 of this title for a master plumber, holder of a limited master plumber license
17 who contracts to provide plumbing services on behalf of the master plumber, holder of
18 a limited master plumber license, or another, holder of a propane gas fitter certificate,
19 or holder of a master natural gas fitters license;

20 (ix) is guilty of violating § 12-605 of this title;

21 (x) as the holder of a limited license, propane gas fitter certificate,
22 master natural gas fitters license, journey plumber license, journeyman natural gas
23 fitters license, apprentice plumber license, or apprentice natural gas fitters license,
24 performs plumbing, propane gas fitting, or natural gas fitting services outside the
25 scope of that license; [or]

26 (xi) knowingly allows or permits another licensee to perform
27 plumbing, propane gas fitting, or natural gas fitting services outside the scope of that
28 individual's license;

29 (XII) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR

30 (XIII) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE.

31 (2) (i) Instead of or in addition to reprimanding a licensee or
32 suspending or revoking a license under this subsection, the Board may impose a
33 penalty not exceeding \$5,000 for each violation.

34 (ii) To determine the amount of the penalty imposed under this
35 subsection, the Board shall consider:

36 1. the seriousness of the violation;

